

**FILED**

**SEP 20 2007**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

**CITY OF SANTA CLARITA;  
VENTANA CONSERVATION AND  
LAND TRUST,**

Plaintiffs - Appellants,

**v.**

**UNITED STATES DEPARTMENT OF  
THE INTERIOR; DIRK  
KEMPTHORNE, in his official capacity  
as Secretary of the Department of  
Interior; FISH AND WILDLIFE  
SERVICE; MARSHALL JONES, in his  
official capacity as Acting Director of  
the Fish and Wildlife Service; DIANE  
K. NODA, in her official capacity as  
Field Supervisor for the Fish and  
Wildlife Service; BUREAU OF LAND  
MANAGEMENT; NINA HATFIELD,  
in her official capacity as Acting  
Director of the Bureau of Land  
Management; MIKE POOL, in his  
official capacity as California State  
Director of the Bureau of Land  
Management; TIM SALT, in his official  
capacity as District Manager of the  
Bureau of Land Management's  
California Desert District Office,**

Defendants - Appellees,

No. 06-55006

D.C. No. CV-02-00697-DT

**ORDER**

**CEMEX, INC., a Louisiana corporation,**

Defendant-intervenor - Appellee.

**CITY OF SANTA CLARITA,**

Plaintiff - Appellant,

**v.**

**U.S. DEPARTMENT OF INTERIOR  
BOARD OF LAND APPEALS;  
BUREAU OF LAND MANAGEMENT;  
KATHLEEN CLARKE, in her official  
capacity as Director of Bureau of Land  
Management; BUREAU OF LAND  
MANAGEMENT CALIFORNIA  
STATE OFFICE; MIKE POOL, in his  
official capacity as California Director  
of the Bureau of Land Management;  
BUREAU OF LAND MANAGEMENT,  
CALIFORNIA DESERT DISTRICT  
OFFICE; LINDA HANSEN, in her  
official capacity as District Manager of  
the Bureau of Land Management's  
California Desert District Office,**

Defendants - Appellees,

**CEMEX, INC., a Louisiana corporation,**

Defendant-intervenor - Appellee.

No. 06-55225

D.C. No. CV-04-01572-DT

**CITY OF SANTA CLARITA,**

Plaintiff - Appellant,

**v.**

**UNITED STATES DEPARTMENT OF  
THE INTERIOR; KATHLEEN  
CLARKE, in her official capacity as  
Director of Bureau of Land  
Management; BUREAU OF LAND  
MANAGEMENT, California State  
Office; BUREAU OF LAND  
MANAGEMENT, California Desert  
District Office; BUREAU OF LAND  
MANAGEMENT; LINDA HANSEN;  
MIKE POOL, in his official capacity as  
California State Director of the Bureau  
of Land Management,**

Defendants - Appellees,

**CEMEX, INC., a Louisiana corporation,**

Defendant-intervenor - Appellee.

No. 06-55960

D.C. No. CV-04-01572-DT

Before: **KOZINSKI, TROTT and BEA**, Circuit Judges.

The memorandum filed March 29, 2007, is withdrawn and replaced by the memorandum filed currently herewith. The petitions for rehearing and for rehearing en banc are denied. See Fed. R. App. P. 35; Fed. R. App. P. 40. No further petitions for rehearing or for rehearing en banc shall be entertained.